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Attorney for Plaintiffs
MALAQUIAS REYNOSO and
CAYETANA REYNOSO

E-filing

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALAQUIAS REYNOSO and
CAYETANA REYNOSO,

Plaintiffs,

vs.

CITY AND COUNTY OF SAN
FRANCISCO, FEDERAL BUREAU OF
ALCOHOL, TOBACCO, FIREARMS AND
EXPLOSIVES, MEGAN LONG, and DOES
1-40,

Defendants.

CV 10 0984

COMPLAINT FOR PRELIMINARY
AND PERMANENT INJUNCTION
AND DAMAGES
(42 U.S.C. Section 1983)

DEMAND FOR JURY TRIAL

Plaintiffs MALAQUIAS REYNOSO and CAYETANA REYNOSO hereby demand a trial
by jury.

Plaintiffs allege:

1. This is an action brought under 42 U.S.C. § 1983 to recover damages against
defendant City and County of San Francisco, for violation of plaintiff's right to be free of
unreasonable seizures under the Fourth and Fourteenth Amendments to the United States
Constitution.

1 2. The jurisdiction of this Court is predicated on 26 U.S.C. §§ 1331 and 1343.

2 3. Plaintiffs, Malaquias Reynoso and Cayetana Reynoso are, and at all times mentioned
3 in this complaint were, citizens of the United States, and residents of the City and County of San
4 Francisco, California.

5 4. Defendant City and County of San Francisco, is, and at all times mentioned in this
6 complaint was, a public entity of the State of California, organized and existing under the laws of
7 the State of California, with the capacity to sue and be sued.

8 5. A substantial part of the events giving rise to this action occurred in the City and
9 County of San Francisco, California. Venue is therefore proper under 28 U.S.C. § 1391(b).

10 6. Defendant ATF – Federal Bureau of Alcohol, Tobacco, Firearms and Explosives, is
11 a creature of the United States Government, and was a full participant in the illegal acts described
12 hereafter.

13 7. Defendant Megan Long was, and at all times mentioned in this complaint, an agent
14 of the defendant Federal Bureau of Alcohol, Tobacco, Firearms and Explosives.

15 8. Defendants Does 1 through 20 were, and at all times mentioned in this complaint,
16 police officers, agents, who were employed by the San Francisco Police Department.

17 9. Defendants named herein as Does 21 through 40 were, and at all times mentioned in
18 this complaint, agents of the Defendant, ATF – Federal Bureau of Alcohol, Tobacco, Firearms and
19 Explosives.

20 10. Each of said defendants named in the paragraphs immediately above were, at all
21 times mentioned in this complaint, acting in the course and scope of his or her employment with
22 either the City and County of San Francisco, or the United States Government.

23 11. Defendant City and County of San Francisco, and Does through 20 were, at all times
24 mentioned in this complaint, acting under color of state law.

25 12. Defendant Megan Long is sued in her individual and official capacity.

26 13. At or about 12:00 noon, on June 18, 2009, defendants, and each of them, wrongfully
27 and unlawfully (a) entered plaintiffs' residence located at 726 Potrero Avenue, San Francisco,
28 California; (b) threatened to mishandle the plaintiffs and to place them under arrest; (c) one or more

1 of the individual defendants shoved the plaintiffs and compelled them to sit down and remain
2 seated for the entire period that the search occurred; (d) ordered and forced plaintiffs to sit and
3 remain in a chair in the residence; (e) searched through all the rooms of the residence; (f) damaged
4 various fixtures and furnishings in the process of the search; and (g) seized and carried from the
5 premises currency from Mrs. Reynoso's bedroom and Mr. Reynoso's bedroom – together seizing
6 over \$200,000 in currency. Plaintiff's did not consent to the defendants' entry, or subsequent
7 contact, but protested until their protests were overcome by the defendants, threats and shows of
8 force.

9 14. In acting as alleged in this complaint, the defendants, and each of them, violated the
10 plaintiffs' right to be free of unreasonable searches and seizures under the fourth and fourteenth
11 amendment to the United States Constitution. Although, at all times herein mentioned, the
12 defendants possessed a search warrant, said search warrant was issued without probable cause.

13 15. As a direct and proximate result of the defendants' actions, described in this
14 complaint, plaintiffs' and each of them, suffered injury, loss and damage, including invasion of
15 privacy, shock as to plaintiff Malaquias Reynoso, loss of liberty, emotional distress, pain, suffering,
16 and property damage.

17 16. As a direct and proximate result of the defendants' actions as described above,
18 plaintiffs had currency in excess of \$200,000 seized from their premises, without the issuance of a
19 receipt, and represents property of the plaintiffs that has never been returned to them.

20 17. As a result of defendants' conduct described in this complaint, plaintiff, Malaquias
21 Reynoso, incurred medical expenses in the amount of \$2,500.

22 18. As a result of defendants' conduct as described in this complaint, plaintiffs incurred
23 property damage in the amount to be determined according to proof at trial.

24 19. In acting as is alleged in this complaint, defendants acted knowingly, willfully, and
25 maliciously, and with reckless and callous disregard for plaintiffs' regularly protected rights.

26 20. As a result of the defendants' actions, plaintiffs have suffered, and will continue to
27 suffer, extreme hardship and actual and impending irreparable loss and damage, particularly in
28 respect to the \$200,000 plus dollars that was appropriated by said defendants. Plaintiffs' emotional

1 damages, resulting from said illegal acts, exceed \$1,000,000.

2 21. Plaintiffs are informed and believe, and thereon allege, that defendants' investigation
3 of the plaintiffs is continuing, and that the defendants may conduct another unlawful search and
4 seizure of plaintiffs' property at any time.

5 22. Plaintiffs have no adequate or speedy remedy at law for the conduct of the
6 defendants described above. This action for injunctive relief is plaintiffs' only means of securing
7 prospective relief, preventing further unlawful searches and seizures of plaintiffs' property.

8 23. On September 2, 2009, plaintiffs filed with the appropriate agency of the City and
9 County of San Francisco, a claim under the California Tort Claim Act. Said claim was denied on
10 September 14, 2009. Therefore, all of the plaintiffs' administrative remedies have been complied
11 with before bringing this lawsuit.

12 24. On November 3, 2009, plaintiffs filed with the Bureau of Alcohol, Tobacco,
13 Firearms and Explosives Agency a claim under the Federal Tort Claims Act. It is assumed that the
14 claim was denied, although the plaintiffs, or their attorney, received no notification of the rejection
15 of the claim.

16
17 WHEREFORE, plaintiffs pray judgment against defendants as follows:


18 1. For a preliminary injunction ordering the defendants, and their officers, agents,
19 employees, successors, and attorneys, and all those in active concert or participation with
20 defendants, to (1) return all of the property of the plaintiffs that was seized on June 18, 2009, and to
21 refrain immediately, and pending final hearing and resolution of this action, from further searches
22 and seizures of plaintiffs' property without a search warrant, the issuance of which is supported by
23 probable cause;

24 2. For a permanent injunction permanently enjoining and restraining defendants, and
25 their officers, agents, employees, successors, and attorneys, and all those in active concert or
26 participation with defendants from further searches and seizures of plaintiffs' property without a
27 search warrant issued upon probable cause, and in absence of exigent circumstances allowing a
28 search without a search warrant under applicable law;

3. For compensatory damages, in an amount to be determined according to proof at trial;
4. For punitive damages, in an amount to be determined according to proof at trial;
5. For reasonable attorney's fees, pursuant to 42 U.S.C. § 1988;
6. For costs of suit incurred in this action; and
7. For such other and further relief as the Court deems just and proper.

Dated: March 8, 2010

Respectfully submitted,


STEPHAN C. WILLIAMS
Attorney for Plaintiffs,
MALAQUIAS REYNOSO and
CAYETANA REYNOSO